THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.26778 OF 2005

Dt.20.12.2005

Between:

B.Anasuyamma … Petitioner

And

The Joint Collector, Kurnool,

Kurnool District and 3 others. … Respondents

ORDER:

Heard the learned counsel for the petitioner as well as the learned counsel appearing on behalf of the respondents.

Admittedly, the petitioner has been appointed as a temporary fair price shop dealer of Mitnal Village, Nandyal Mandal, Kurnool District, vide proceedings of the 2nd respondent dated 28.4.2003 pursuant to the disciplinary proceedings pending against the 4th respondent. It is stated that the authorization of the 4th respondent was cancelled by proceedings dated 29.11.2002 on certain irregularities and prior to that the dealership was suspended by proceedings 21.10.2002. The cancellation orders dated 29.11.2002 goes to show that based on the report of the MPDO and MRO only the dealership has been

cancelled without giving any notice and without giving any reasonable opportunity. As against the said order of cancellation, the 4th respondent filed an appeal before the Joint Collector, Kurnool. When the said appeal is pending, the petitioner was appointed as temporary dealer of the said Mitnal Village by proceedings of the Revenue Divisional Officer, Nandyal, dated 28.4.2003. The first respondent passed final orders on 29.8.2005 stating that the cancellation of authorization of the 4th respondent is made against the principles of natural justice and no proper verification was done with regard to non-distribution of Food For Work rice and in fact it was the contention of the 4th respondent that the said rice was taken away by one Ramakrishna Reddy, who executed the works along with others and the same was informed to the Mandal Parishad Development Officer and the Mandal Revenue Officer and the said stock was not at all supplied to the 4th respondent and the signatures of the husband of the 4th respondent has been forcibly taken for the misdeeds committed by the said Ramakrishna Reddy and others, as published in the local news papers, who are responsible for booking a case against the 4th respondent under Section 6-A of the Essential Commodities Act and in fact on the complaint made by the 4th respondent a case has also been registered against Ramakrishna Reddy and others in Crime No.92 of 2005 of Nandyal Taluk Police Station which is still pending and in view of the facts and circumstances the Joint Collector set aside the cancellation orders of the 2nd respondent dated 22.11.2002 and directed him to examine in detail and till then the 4th respondent shall directed to continue as fair price shop dealer. Consequently, the Revenue Divisional Officer passed orders on 17.9.2005 restoring the fair price shop dealership of the 4th respondent and it is stated that the 4th respondent has been distributing essential commodities from the end of September, 2005. Questioning the said orders, the petitioner filed this writ petition.

Admittedly, as against the said order of the first respondent, revision lies to the District Collector. The contention of the learned counsel for

the petitioner is that the petitioner has invested huge amounts and distributed essential commodities for about a period of two years and therefore she has got vested right to question the orders of the respondent in remanding the matter for fresh disposal and taking a decision to restore the dealership in favour of the 4th respondent.

I am of the opinion that if there is any illegality committed by the respondents, it is open for the petitioner to question the same. But there is an effective alternative remedy available to the petitioner under Clause 21(1) of the A.P.State Public Distribution System Control Order, 2001. However, on perusal of the impugned order also, I do not find any infirmity legal or factual in remanding the matter for fresh disposal.

In view of the aforesaid facts and circumstances of the case, I do not see any merit in this writ petition and the same is accordingly dismissed. No costs.

(V.ESWARAIAH, J.)

20.12.2005

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